

### **REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1 and 3-15 are now present in the application. Claims 1 and 8 are independent. Claims 11-15 have been withdrawn by the Examiner as directed to a non-elected invention.

Claims 1 and 3 have been amended and claim 2 has been canceled. Reconsideration of this application, as amended, is respectfully requested. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### **Rejections under 35 U.S.C. § 103**

Claims 1, 3, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Publication No. 2002/0073923 to Saito et al. ("Saito") in view of U.S. Publication No. 2004/0008336 to Lam et al. ("Lam"). Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. *See M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.*

Independent claim 1 now recites a substrate processing apparatus wherein the controller controls the post-processing gas supply unit to supply each of the reaction gases alternately from the exclusive supply nozzles. Neither Saito nor Lam, alone or in combination, suggest this feature, and therefore Applicants submit that claim 1, and the claims dependent thereon, are patentable over Saito in view of Lam.

Moreover, it is further submitted that the incorporation of this feature into claim 1 does not raise a new issue inasmuch as the feature was present in finally rejected claim 2 and was not

addressed by the final rejection. It is respectfully submitted that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Claim 3 requires that each of the reaction gases supplied from the post-processing gas supply unit removes the element remaining in said exclusive supply nozzles and said reaction container, and the reaction gases form a desired film in said reaction container.

The Examiner refers to paragraphs 0093, 0094, 0095 and 0097 of Saito for a teaching of these features. To the contrary, it is respectfully submitted that Saito fails to disclose that each of the reaction gases supplied from the post-processing gas supply unit removes the element remaining in said exclusive supply nozzles and said reaction container, and the reaction gases form a desired film in said container. Therefore, for this reason as well as the reason noted above with respect to claim 1, it is submitted that claim 3 is patentable over Saito in view of Lam. Claims 4-7 depend from claim 3, and it is submitted that these claims are also patentable at least for the same reasons as claims 1 and 3.

Independent claim 8 recites a control apparatus for controlling the substrate processing apparatus such that cleaning gas is supplied from one of the supply nozzles into said reaction container at the time of cleaning, and all reaction gases used for processing a substrate are alternately supplied into said reaction container from the exclusive supply nozzles.

Neither Saito nor Lam, alone or in combination, suggest a control apparatus for controlling the substrate processing apparatus such that cleaning gas is supplied from one of the supply nozzles into said reaction container at the time of cleaning, and all reaction gases used for processing a substrate are alternately supplied into said reaction container from the exclusive supply nozzles. Therefore, for this reason it is submitted that claim 8 is patentable over Saito in view of Lam.

The additionally applied art to Okuda et al. ( U.S. Pub. No. 2003/0024477) and to Choi et al. ( U.S. Patent No. 6,279,503) fail show or suggest any of the missing features discussed above and therefore cannot remedy the failure to teach such features with respect to claims 1, 3 and 8.

## CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Every possible effort has been made to clearly delineate the distinctions between the applied prior art and the present invention in an effort to conclude prosecution with allowance of the application. Applicants therefore respectfully request that the Examiner enter the amendment and reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Amendment is respectfully requested.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a three (3)-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$1,050.00** is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Michael K. Mutter, Reg. No. 29,680 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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